THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26763 of 2005

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Dated:15.12.2005

Between:

P.V. Krishna Rao S/o P.V. Nagabushanam
R/o 8-2-269/N/2, Vivekananda Enclave Road No.2, banjara Hills,

Hyderabad.

..... PETITIONER

AND

The Chief Commisioner, Land Administration, Andhra Pradesh,

Nampally Road, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

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ORDER:

M/s. Sainath Co-operative Housing Society Limited ('the Society' for brevity) is a registered entity under the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'). The Society purchased about Acs.104.00 of land in Survey Nos.227/1 and 228 of Bahadurpalli Village, Qutubullapur Revenue Mandal, Ranga Reddy District. Later a layout was prepared and house sites were allotted to various members of the Society. It appears, the Sarpanch of Bahadurpalli Village gave an application claiming that the land in Survey No.227 admeasuring Acs.353.35 guntas is a Government poramboke land and accordingly sought redressal from the revenue authorities. The matter was enquired into and the Joint Collector, before whom the Sarpanch made the application, by order dated 21.10.2005 sent a report to the Chief Commissioner of Land Administration, the first respondent herein, seeking necessary instructions in the matter. Simultaneously, the Joint Collector also issued a memo informing the Sarpanch regarding the action taken in the matter.

The petitioner, who claims to be the ex-President of the Society, alleges that based

on the memo of the Joint Collector issued to the Sarpanch, respondent Nos.2 and 3 are interfering with the construction activity taken by the members and not allowing the members of the Society to enter the land. Therefore, the present writ petition is filed seeking a declaration that the action of respondent Nos.2 and 3 in issuing Memo dated 21.10.2005 as illegal and arbitrary.

Even according to the affidavit accompanying the writ petition, the Society purchased the land way back in 1981, laid out plots and sold the land to individual members. As such, the Society cannot be said to have any grievance. Secondly, none of the members of the Society complained that there is a highhanded action on the part of respondent Nos.2 and 3 or their subordinate officials. Thirdly, it is well settled that an ex-President cannot represent the Society, and he loses his individuality qua the Society. If the land is transferred to member, and if there is any grievance with regard to land in Survey No.227, it is only the members who can agitate the matter in the Court of law. If the Society still continues to be the owner of the land, that is to say, a portion of the land, which is not alienated or transferred, the Society can seek redressal by filing separate writ petitions. (see **Daman Singh v. State of Punjab**).

The writ petition, for the above reasons, cannot be accepted. However, liberty is reserved to the members of the Society to file individual writ petitions, if so advised, and if they have any cause of action.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

15.12.2005

vs